IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3720 of 2004

Between:

G. Gurunath S/o Thimmappa, aged 57
Gooty Depot, Ananthapur district

... PETITIONER

AND

1. The APSRTC. rep by Managing Director-cum- Vice Chairman,
   Musheerabad, Hyderabad

2. The Depot Manager, APSRTC, Hindupur Depot Ananthapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or orders or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings No. 01/419/07/2001-HDP dated 20-1-2004 of the 2nd respondent is illegal, arbitrary, unjustified, Unsustainable contrary to law and violative of Article 14, 16 and 21 of the constitution of India and set a side the same and consequently direct the respondents not to recover the amount of Rs. 12671/- from the petitioner salary.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondents : MR.P.VINAYAKA SWAMY

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.01/419/07/2001-HDP, dated 20.1.2004, issued by the second respondent, as arbitrary and illegal.

In the impugned proceedings, an amount of Rs.12,671/- was sought to be recovered from the salary of the petitioner in 25 equal installments, from February, 2004 onwards. It seems, there was loss of tickets from the tray No.964 of booking reservation counter, which was received from one M.P.R. Chary, conductor, on 14.10.2001 after completion of his duty. After calling for the explanation of the petitioner, a detailed enquiry was conducted into the matter. After enquiry, the disciplinary authority came to the conclusion that the charges leveled against the petitioner were proved, and as such, the penalty of recovery of an amount of Rs.12,671/- towards loss of tickets was imposed on the petitioner.

According to the petitioner, as per clause-40.07 of Operation Manual of APSRTC, the face value of the tickets lost is not liable to be recovered from the persons responsible, but only the cost of the paper and printing charges of such tickets are liable to be recovered. Whereas, in this case erroneously the respondents sought to recover from the petitioner the face value of the tickets lost, amounting to Rs.12,671/- in 25 instalments, which is arbitrary and illegal.

Thus, the only question that falls for consideration is that whenever an employee is found responsible for the loss of tickets, whether he is liable for the face value of the tickets, or the cost of the paper and printing charges of such tickets. This issue is no more *res integra*. In **Ch.P.Reddy v. APSRTC**, this Court held that as per the regulations, the loss sustained by the corporation can be recovered from the conductor, but should not impose any penalty. The corporation is entitled to recover only the cost of printing of the tickets, the tray and other articles, but not the value of the tickets found lost. In view of the same, the impugned proceedings are liable to be set aside, leaving it open to the respondents to recover from the petitioner the cost of the paper and printing charges of the tickets and other articles, if any, lost from the tray in question.

Writ petition is allowed to the extent indicated above.

25th November, 2004.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Thursday the twenty fifth day of November, 2004.

ASST.REGISTRAR

SECTION OFFICER

To

1. The Managing Director-cum-Vice Chairman,
   APSRTC, Musheerabad, Hyderabad
2. The Depot Manager, APSRTC, Hindupur Depot,
   Ananthapur District.

3. Two C.D.copies